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JUL 07 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Mag. Case No. '08 MJ 8611
v.	COMPLAINT FOR VIOLATION OF:
Raul ESTRADA-Arias	Title 8, U.S.C., Section 1324 (a)(1)(A)(ii) -Illegal Transportation of Alien(s)
Defendant	

The undersigned complainant, being duly sworn, states:

On or about July 5, 2008, within the Southern District of California, defendant Raul ESTRADA-Arias, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, Luis LEDEZMA-Loaiza had come to, entered or remained in the United States in violation of law, did transport or move, said alien within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 7th DAY OF JULY 2008.

Peter C. Lewis
United States Magistrate Judge

DEFENDANT: Raul ESTRADA-Arias

I, Senior Border Patrol Agent Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon statements in the investigative reports by U.S. Border Patrol Agent C. Toledo that on July 5, 2008, the defendant, Raul ESTRADA-Arias, a citizen of Mexico, was apprehended in Calexico, California, along with (1) one undocumented alien from Mexico, in violation of law.

On July 5, 2008, at approximately 4:00 p.m. U.S. Border Patrol Agent's observed an individual, later identified as Luis LEDEZMA-Loaiza, make an illegal entry into the United States by climbing the International Boundary fence from Mexico. Agents maintained a constant visual on LEDEZMA as he made his way through the city streets of downtown Calexico, California. Agents observed LEDEZMA enter into the Pep Boys Auto Parts store. Approximately ten minutes later Agents observed a gray colored Nissan Xterra with a California registration of 5XQB507 enter the parking lot for the parts store. LEDEZMA exited the store and quickly boarded the Nissan on the passenger side. The agents approached the vehicle and identified themselves. Agents questioned LEDEZMA and the driver, identified as Raul ESTRADA-Arias. It was determined both LEDEZMA and ESTRADA are citizens of Mexico illegally in the United States. Both ESTRADA and LEDEZMA were placed under arrest.

At the station, Agent R. Damara witnessed Agent J. Vega-Torres read ESTRADA his rights per Miranda. ESTRADA stated he understood his rights and stated to agents he previously entered the United States illegally with the sole intention to earn money as an alien smuggler and has successfully done so on at least 20 to 22 previous occasions. ESTRADA stated he picks up the illegal aliens as various locations to include Pep Boys. ESTTRADA stated a man by the name of "Pelon", whom he works for, gave him the Nissan and told him to pick up an illegal alien in Calexico at Pep Boys. ESTRADA stated he earns $50 to $100 per alien smuggled. When arrested ESTRADA was in possession of $1,479 (US) and 1,190 pesos (MEX). Agents questioned ESTRADA about the money and ESTRADA stated he earned it smuggling in the previous month. ESTRADA was also in possession of .2 grams of a substance that tested positive as cocaine. ESTRADA stated it was given to him as a gift from a friend. ESTRADA has been arrested by the Border Patrol on at least 10 different occasions.

Material Witness Luis LEDEZMA-Loaiza stated arrangements were made in Mexico to pay a smuggler $2,700 to be smuggled into the United States. LEDEZMA stated after illegally crossing the International Border he was guided via cell phone to the store by an unknown female. Upon reaching the store he was told to wait inside and a Nissan Truck being driven by a male would pick him up. LEDEZMA stated when the Nissan arrived the driver signaled him and instructed him to get in, which he did.

LEDEZMA was shown a six pack photo lineup and identified photo number 1, ESTRADA, as the driver of the Nissan who picked him up.

The complainant states that the names of the Material Witnesses are as follows:

NAME	**PLACE OF BIRTH**
Luis LEDEZMA-Loaiza	Mexico

DEFENDANT: Raul ESTRADA-Arias

Further, complainant states that Luis LEDEZMA-Loaiza is citizens of a country other than the United States; that said alien has admitted that he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial by subpoena; and he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

Executed on July 6, 2008, at 10:00 A.M.

Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 pages, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on July 5, 2008 in violation of Title 8, United States Code, 1324

Honorable William McCurine Jr.
United States Magistrate Judge

7/6/08
Date/Time